

June 7 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0441

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JOSHUA DON LARSON,

Defendant and Appellant.

FILED

JUN 6 7 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Eileen A. Larkin, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until June 25, 2010, in which to prepare, file, and serve the Appellant's reply brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 7<sup>th</sup> day of June, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: *Eileen A. Larkin*  
Eileen A. Larkin  
Assistant Appellate Defender

STATE OF MONTANA            )  
  : ss.

County of Lewis and Clark    )

I, Eileen A. Larkin, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

3. The Appellant's reply brief was initially due on May 28, 2010. It is currently due on June 11, 2010. This is the second request for an extension of time.

4. I have read Appellee's Response Brief in this matter, *State v. Larson*, DA 09-0441, and I have performed legal research. I was out of the office for two days last week due to illness.

5. In addition to my workload of cases, I have assisted the Chief Appellate Defender, Ms. Joslyn Hunt, with administrative duties including evaluation of applicants for an Assistant Appellate Defender opening, mentoring of a new hire and a summer intern, as well as other administrative duties.

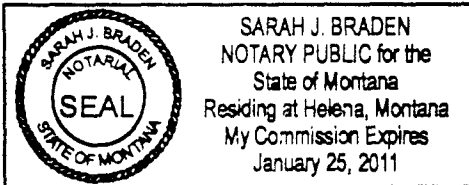
6. I will work diligently to complete the matter in the time requested.
7. Opposing counsel has been contacted concerning this motion and does not object.
8. Further your affiant sayeth naught.

*Eileen A Larkin*

Eileen A. Larkin

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of

June, 2010.



*Sarah J Braden*

Sarah J. Braden

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

FRED R. VAN VALKENBURG  
Missoula County Attorney  
200 West Broadway  
Missoula, MT 59802

JOSHUA LARSON  
2009 40<sup>th</sup> Street  
Missoula, MT 59806

DATED: \_\_\_\_\_

6/7/10

  
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